

U.S. IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

SANDRA LADIK, JACKIE GOEBEL,
MARIE COGGINS and SONDRALAMB,

Plaintiffs,

v.

WAL-MART STORES, INC.,

Defendant.

ORDER

13-cv-123-bbc

Plaintiffs are current or former employees of defendant Wal-Mart Stores, Inc. who are suing defendant for sex discrimination under Title VII of the Civil Rights Act. Each plaintiff would have been a class member in Wal-Mart Stores, Inc. v. Dukes, 131 S. Ct. 2541 (2011), a case involving allegations of companywide sex discrimination, but the Supreme Court denied class certification on the ground that the plaintiffs had not shown any common questions of law or fact as required by Fed. R. Civ. P. 23(a)(2).

Defendant has filed a motion for summary judgment, dkt. #59, which is fully briefed. In reviewing the parties' submissions, I came upon footnote 2 in plaintiffs' opposition brief, in which plaintiffs ask for permission to file supplemental materials related to their disparate impact claim. Dkt. #114. In their brief, which was filed June 13, 2014, plaintiffs said that they were trying to obtain an expert report and underlying data from the district court in the

Dukes case, but that court had not yet ruled on their motion. Plaintiffs say that the “data is critical to [their] disparate impact claims.” Plts.’ Br., dkt. #114, at 3 n.2.

Plaintiffs do not explain why they waited so long to seek this information or even why they believe the information they are seeking will help support their disparate impact claim. However, I will give plaintiffs one opportunity to supplement their summary judgment filings. A review of the docket in the Northern District of California shows that, on June 17, 2014, the court granted plaintiffs’ request to modify a protective order so that plaintiffs could review the requested data. Dukes v. Wal-Mart Stores, Inc., No. 01-cv-2252-CRB, dkt. #1012 (N.D. Cal. June 17, 2014). Thus, plaintiffs should have the information they need and be ready to file their supplement promptly. In the future, if counsel need relief from the court, they should file a separate motion to alert the court of their request rather than bury it in a footnote in a brief.

ORDER

IT IS ORDERED that plaintiffs Sandra Ladik, Jackie Goebel, Marie Coggins and Sondra Steeb-Lamb may have until August 4, 2014, to file a supplemental brief and supplemental proposed findings of fact related to the new information they obtained from the court in the Northern District of California. Defendant may have until August 11, 2014,

to file a response.

Entered this 25th day of July, 2014.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge